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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,502	11/27/2001	Donald E. Mosing	504	1988

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EXAMINER

FLANDRO, RYAN M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 03/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/027,502

Applicant(s)

MOSING, DONALD E.

Examiner

Ryan M Flandro

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1, 4, 5, 12 are objected to because of the following informalities:
 - a. Claim 1. Recitation of “said die insert **blank**” is inconsistent with previous recitation of “a die insert”. Further, the period at the end of line 2 should be removed and/or replaced with a colon or a comma.
 - b. Claim 4. Recitation of “the surface” should be followed by “of the back face” for clarification.
 - c. Claim 5. Recitation of “the related die insert carrying **groove**” in lines 8-9 and 10 of claim 5 is inconsistent with previous recitation of this feature as a “die insert carrying **slip**” (see line 6).
 - d. Claim 12. The word “vivinity” in line 6 of the claim should be changed to “vicinity”.
 - e. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 10, 11, 17, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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- a. Claim 10. Recitation of “a pattern of a definable image” renders the claim indefinite because it is unclear what the phrase “a definable image” means.
- b. Claim 11. Claim 11 recites the limitation "said pictorial pattern" in line 1. There is insufficient antecedent basis for this limitation in the claim since no pictorial pattern is previously recited. Further, the limitation “a logo having a definable pattern” renders the claim indefinite because it is unclear what the word “logo” means in the context of the disclosure.
- c. Claim 17. Recitation of the limitation “a pictorial pattern” renders the claim indefinite because it is unclear what a pictorial pattern means in the context of this invention.
- d. Claim 18. Recitation of the limitation “a symbol having a definable pattern” renders the claim indefinite because it is unclear what the word “symbol” means in the context of the disclosure.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Guice (US 4,678,209).

- a. Claim 1. Guice shows and discloses a die insert **20** having a front face **26** with pipe gripping teeth **32** and a generally parallel back face **22, 24**; textured relief **34** formed on the surface of the back face **22, 24**, for forming and engaging impressions in the opposing surface **14, 16** of the confining slip **12**, when forced against the opposing surface **14, 16**, to add skid resistance between the die insert **20** and the opposing surface **14, 16** (see figure 4; column 3 line 39 – column 4 line 46).
- b. Claim 5. Guice shows and discloses a die insert **20** having generally parallel first **26** and second **22, 24** faces on opposite sides, said die insert **20** comprising a first of the faces **26** textured with projecting teeth **32** for gripping pipe surfaces; the second face **22, 24** textured with surface depressions **34** to reduce the surface area in contact with the mating surface **14, 16** of die insert carrying slips such that more than a selected normal loading of the die insert **20** will coin an impression of the textured surface **22, 24** of the die insert **20** into the mating surface **14, 16** of the related die insert carrying groove, for the purpose of reducing the tendency of the die insert **20** to slide in the groove when the die insert **20** is carrying a substantial payload (see figures 1, 4, and 5; column 3 line 39 – column 4 line 46).
- c. Claim 12. Guice shows and discloses a die insert **20** having generally parallel first **26** and second **22, 24** faces. said die insert **20** comprising a first of the faces **26** textured with projecting teeth **32** for gripping pipe surfaces; and the second face **22, 24** textured with surface depressions **34** created to displace metal upward in the [vicinity] of the depression to present a small elevated surface accumulation of such limited effective collective load bearing area that the raised metal will be imbedded into the surface of the

insert supporting surface **14, 16**, when subjected to a preselected amount of force perpendicular to the second face **22, 24**, to reduce the tendency for the insert **20** to slide on the insert supporting surface **14, 16** (see figures 1, 4, and 5; column 3 line 39 – column 4 line 46).

d. Claims 3, 8, and 15. Guice shows and discloses said texture relief **34** is achieved by a plurality of generally transverse scribe lines (see figure 4).

e. Claims 4, 9, and 16. Guice does not explicitly disclose said texture relief is achieved by acid etching of the surface. Nevertheless, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

f. Claim 10 (*as best understood*). Guice shows said textured surface **34** on said second face **22, 24** comprises a pattern of a definable image (see figure 4).

g. Claim 11 (*as best understood*). Guice shows [said textured surface] **34** is a logo having a definable pattern (see figure 4).

h. Claim 17 (*as best understood*). Guice shows said textured surface **34** on said second face **22, 24** comprises a pictorial pattern (see figure 4).

i. Claim 18 (*as best understood*). Guice shows said pictorial pattern **34** is a symbol having a definable pattern (see figure 4).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 6, 7, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guice, as applied above, in view of Bee et al (US 5,971,086) (Bee). With regard to Claims 2, 6, 7, 13, and 14, Guice shows and discloses said textured relief **34** comprises a plurality of generally transverse relief patterns, the relief representing surface depressions (see figure 4). Guice does not disclose said surface depressions of more than one one-thousandths inch. Bee, however, teaches surface depressions of more than one one-thousandths inch (two one-thousandths inch) so that the pipe die will still penetrate the surface of the pipe to maintain a positive grip while keeping the penetration of die teeth to a minimum. (see column 2 lines 26-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made modify the textured relief surface of Guice by providing surface depressions of more than one one-thousandths inch in order to provide minimum penetration while still maintaining a positive grip as taught by Bee.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to slip groove gripping die inserts:

U.S. Patent 5,301,750 to Watkins

U.S. Patent 3,454,289 to Fowler (see especially figure 4)

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U.S. Patent 1,849,216 to Adair (see feature 11 figures 1 and 2)

U.S. Patent 1,559,932 to Bogen (see figure 4 features 11 and 11a)


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952.

The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ryan M. Flandro
March 22, 2003


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670